



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office**

Kimberly A. Cruz
Regional Attorney

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
New York Direct Dial: (929) 506-5270
FAX (212) 336-3625
Website: www.eeoc.gov

October 16, 2024

The Honorable Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Via CM/ECF

Re: U.S. EEOC, *et al.* v Local 638 etc., ... Local 25 of the Sheet Metal Workers' International Association and Local 25 Joint Apprenticeship Committee, *et al.*
Case No. 71-cv-2877 LAK-RWL

Dear Judge Kaplan,

I represent Plaintiff U.S. Equal Employment Opportunity Commission ("EEOC") in the above-referenced matter. Enclosed for the Court's review is a proposed *Stipulation and Consent Order*, signed by Plaintiff EEOC and Defendants Local 25 of the Sheet Metal Workers' International Association ("Local 25"), Local 25 Joint Apprenticeship Committee ("JATC") (collectively, the "Parties"), and by Special Master David Raff, which provides for the distribution to claimants OF the \$47,238.89 remaining in the Local 25 Backpay Settlement Special Account.

This final distribution relates to the *Back Pay Distribution Stipulation and Consent Order* entered into by Plaintiff EEOC, Local 25 and the JATC, which was already approved by the Court. This stipulation effectuated the April 12, 2016 "Settlement and Consent Order" resolving all of the EEOC's claims against Local 25 and JATC in this matter concerning the period of April 1, 1991, through December 31, 2002. Pursuant to the terms of that Settlement and Consent Order, these Defendants established a Settlement Reserve Fund of \$1,650,000 for the purpose of distributing all of said funds to back pay Claimants identified by the EEOC, paying to each the amount determined to be owed to each by the EEOC.

Defendants have distributed a total of \$1,527,650.56 from said Settlement Reserve Fund to 37 of the 39 Claimants identified by the EEOC. The EEOC has since located one claimant to whom the Special Master has paid \$75,110.55, thus leaving \$47,238.89 remaining for distribution. The enclosed *Stipulation and Consent Order* provides for these remaining funds to be distributed among 28 claimants, or their next of kin. Upon completion of this distribution, Local 25 shall have discharged any and all responsibilities for backpay distributions required by the Order.

Upon your review, the parties to the enclosed *Stipulation and Consent Order* respectfully request your approval.

Thank you for your time and consideration.

s/ Kimberly A. Cruz
Regional Attorney
U.S. EEOC – New York District Office

Encl: *Stipulation and Consent Order*

cc: Counsel of Record via CM/ECF
Special Master David Raff